

EMPLOYMENT PRACTICES
AT-WILL EMPLOYMENT

DCD
(LOCAL)

Personnel not hired under a contract shall be employed on an at-will basis. [For information regarding contractual employment, see DCA, DCB, DCC, and DCE, as appropriate]

A noncontract employee shall have no expectation of continued employment or any right to due process other than those rights prescribed by state and federal constitutions.

Probationary

~~An employee hired on a noncontract basis shall be on probationary status during the first 12 months of employment.~~

Nonprobationary

~~A noncontract employee who has completed 12 months of full-time employment shall be considered nonprobationary.~~

**Reassignment of
Noncontract
Employees**

All noncontract employees are subject to assignment and reassignment of positions or duties, additional duties, changes in responsibilities or work, transfers, or reclassification at any time. [See also DK(LOCAL)]

**Discipline / Other
Employment
Decisions**

The following disciplinary actions and other employment decisions shall apply to all noncontract employees.

~~Suspension,
Demotion, Return
to Probation~~

A noncontract employee may ~~be~~ be ~~be have probation extended, be returned to probation, be suspended without pay or~~ demoted, for any reason not prohibited by law, as determined by the needs of the District.

Termination

A noncontract employee may be terminated for any reason not prohibited by law or for no reason, as determined by the needs of the District. ~~A termination shall become effective at the expiration of the two-week notice given to the employee.~~

Reduction in Force

A reduction in force may take place when the Board determines that financial exigency exists or the Superintendent determines that a reorganization or program change is required.

Procedures for the reduction in force of noncontract employees shall be developed and maintained by the chief ~~talent~~ human resources officer. These procedures shall provide criteria to determine the mechanics of reduction, reassignment, termination, and recall. Any termination will be made in accordance with established current procedures on termination of noncontract employees set forth by the chief ~~talent~~ human resources officer. Subject to approval by the chief ~~human resources~~ talent officer or designee, assignments to new jobs will be based on matching of skill sets.

Reorganization

Reorganization is defined as a change in positions due to:

1. A change, elimination, or addition of a function within a department or school; or

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2. A change in the role, responsibility, qualifications, or skill level of a significant number of employees within a department, school, or within a category of employees.

A reorganization shall be approved by the Superintendent. If during a reorganization it becomes necessary to terminate an employee, such personnel action shall be taken in accordance with applicable Board policy, state and federal law, and District procedures.

Procedures for a reorganization shall be developed. These procedures shall provide criteria to determine the mechanics of reduction, reassignment, and termination of staff, if necessary. Assignments to new jobs shall be based on matching of skill sets.

Appeal

A noncontract employee who has been notified of a ~~suspension without pay, demotion,~~ or termination may appeal the action in accordance with DGBA(LOCAL).

Resignation

A noncontract employee intending to resign shall give a minimum of two weeks' notice. If such notice is not given, the resigning employee shall not be eligible for reemployment with the District.

An employee who resigns or retires to avoid District-initiated termination shall not be eligible for reemployment with the District.

Suspension Without Pay for Criminal Charges

~~In the event an at-will employee is charged with a felony crime or charged with any crime involving moral turpitude and ordered to stand trial in any court of competent jurisdiction, the Superintendent may suspend the employee without pay pending the final determination and/or the District's decision regarding administrative action.~~

Termination for Criminal Charges or Conviction

~~If the employee is found not guilty or the charges are dismissed, pay and benefits withheld may be released to the employee upon the approval of the Superintendent.~~

~~If the employee has received any income during the period of time the employee was suspended without pay, the Superintendent may deduct said amounts from the withheld sum.~~

~~Upon completion of an individualized assessment conducted by the Criminal History Review Committee, an at-will employee charged with a felony crime or any crime involving moral turpitude that has affected the employee's ability, capacity, or fitness to perform the duties of the assignment will be dismissed.~~

~~If the employee is convicted of a felony crime or any crime involving moral turpitude, the employee will be dismissed. Any plea of~~

~~guilty by an employee, or the court's acceptance of nolo contendere under the Deferred Adjudication Act, shall constitute a conviction for purposes of this policy.~~

**Conflict of Interest
Violations**

Upon completion of an individualized assessment conducted by the Conflict of Interest Review Committee, an at-will employee with a substantiated finding in violation of this policy that has affected the employee's ability, capacity, or fitness to perform the duties of the assignment will be dismissed.